

Docket No.: 578352001702
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jordan J. N. TANG et al.

Application No.: 10/820,953

Confirmation No.: 9733

Filed: April 8, 2004

Art Unit: 1654

For: INHIBITORS OF MEMAPSIN 2 AND USE
THEREOF

Examiner: A. Mohamed

STATEMENT PURSUANT TO 37 CFR 1.821(f)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned hereby states that the paper copy of the Sequence Listing filed with the present application, is identical to the computer readable copy and paper copy of the Sequence Listing filed in the related patent application USSN 10/773,754, in accordance with 37 C.F.R. §1.821(c) and (e). It is believed that this submission includes no new matter.

In accordance with 37 CFR 1.821(e), please use the computer readable form which was mailed on June 14, 2004, (and received by the US PTO on June 17, 2004) in related patent application USSN 10/773,754 as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number, inventors, priority claim (as detailed below) and filing date for the instant application.

Related patent application USSN 10/773,754 is a continuation of USSN 09/845,226, filed April 30, 2001, which is a divisional of **USSN 09/603,713**, filed June 27, 2000. The present application is a continuation of **USSN 09/603,713**. Both USSN 10/773,754 and the present application claim priority to USSN 60/141,363; 60/168,060; 60/177,836; 60/179,368 and 60/210,292. Based on the claimed subject matter, the inventors of the present application are Jordon J.N. TANG and Arun K. GHOSH.

The substitute sequence listing in USSN 10/773,754 (mailed on June 14, 2004, (and received by the US PTO on June 17, 2004) (submitted herewith)) corrects some obvious errors in the original Sequence Listing submitted for parent application USSN 09/603,713 on June 27, 2000 and includes additional sequences present in the original specification as filed and omitted from the original sequence listing, which are required to conform to 37 C.F.R. §§1.821 to 1.825, as detailed below.

Applicants request consideration and entry of the Sequence Listing paper copy and computer readable copy. Pursuant to 37 C.F.R. 1.77, please enter the paper copy of the Sequence Listing after the Abstract.

Also co-filed herewith is an amendment under 37 CFR §1.312, incorporating into the specification identifying the sequence identifiers, preceded by "SEQ ID NO:" and the substitute sequence listing.

SEQ ID NOS:32-34 have been added to the Substitute Sequence Listing from Figure 1, and SEQ ID NOS:36-39 have been added from Table 1, in order to include those amino acid sequences of 4 or more residues.

The "Organism" numeric identifier <213> describing the Genus and species or "Artificial Sequence" and/or numeric identifier <223> "Description of Artificial Sequence" data elements have been changed in some cases (i.e., SEQ ID NOS:4-29) to properly reflect their presentation as free text in the Specification.

SEQ ID NO:8 appears in the Specification on page 14, line 25, as "Asp-Thr/Ser-Gly-", where the original Sequence Listing had entered this sequence as a tetrapeptide. One of ordinary skill in the art would recognize that the aspartic protease cleavage motif consists of a tripeptide where the second amino acid residue can be either Thr or Ser. The Substitute Sequence Listing submitted herewith entered this sequence with the second residue represented as "Xaa" with a Feature describing the alternative residues at that position.

SEQ ID NOS:27, 29 and 35 have included a Feature to describe the modified amino acids at those positions containing a non-peptide bond in the form of the transition-state isostere hydroxyethylene. SEQ ID NO:35, the OM99-2 inhibitor, was added to the Substitute Sequence Listing to reflect the modified form of the sequence presented on page 36, line 20, and Figures 3B and 8 as opposed to the unmodified form in SEQ ID NO:28 on page 6, lines 15-16, and page 47, line 8. SEQ ID NO:28 has been retained in the form containing no modified amino acids or non-peptide bonds to distinguish this sequence from the modified form containing the transition-state isostere.

Details of the amendment of the specification of the present application consistent with the substitute sequence listing are detailed in the accompanying 37 CFR §1.312.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 578352001702. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 3, 2007

Respectfully submitted,

Electronic signature: /Kimberly A. Bolin/
Kimberly A. Bolin
Registration No.: 44,546
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5740